

Message Text

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INFO OCT-01 IO-11 ISO-00 CIAE-00 PM-04 INR-07 L-03 ACDA-05

NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00

SAJ-01 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIEP-01

OFA-01 COME-00 DLOS-04 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 H-02 INT-05 JUSE-00 NSC-05 NSF-01

OES-03 OMB-01 SAL-01 FEA-01 /120 W

----- 022909

R 261450Z FEB 76

FM USMISSION NATO

TO SECSTATE WASHDC 6164

AMEMBASSY LONDON

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C O N F I D E N T I A L SECTION 1 OF 2 USNATO 1058

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONSULTATIONS, UK-US BILATERALS

1. SUMMARY.

US LOS TEAM HEADED BY AMBASSADOR LEARSON MET ON 23 AND 24 FEBRUARY WITH UK TEAM HEADED BY AMBASSADOR LOGAN TO DISCUSS VESSEL SOURCE POLLUTION, SCIENTIFIC RESEARCH, COMPULSORY DISPUTE SETTLEMENT, CONTINENTAL SHELF, STRAITS AND DEEP SEA BED. BROAD MEASURE OF AGREEMENT EMERGED, WITH NOTABLE EXCEPTION OF POLLUTION REGULATION IN TERRITORIAL SEA. UK HAS DROPPED QUOTA SYSTEM FOR DEEP SEABEDS. BRIEF CALL MADE ON MINISTER OF STATE ENNALS (UK).

2. VESSEL SOURCE POLLUTION.

UK INDICATED THAT VESSEL CONSTRUCTION, DESIGN AND MANNING WAS CARDINAL ISSUE AND UK WOULD HAVE GREAT DIFFICULTY RATIFYING A CONVENTION THAT GAVE COASTAL STATE AUTHORITY
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TO ESTABLISH SUCH STANDARDS WITHIN THE TERRITORIAL SEA. THE US STATED THAT THIS WAS RATIFICATION ISSUE AND THAT ITS POSITION IN FAVOR OF SUCH AUTHORITY WAS ESTABLISHED AS A MATTER OF NATIONAL LEGISLATION. ON THE ISSUE OF PORT

STATE ENFORCEMENT, UK RECOGNIZED TACTICAL MERIT OF SYSTEM BUT ADVOCATED, AT VARIOUS TIMES DURING THE CONVERSATION, BOTH AREA AND DAMAGE LIMITATIONS. THE US ARGUED THAT ANY RESTRICTIONS ON THE COASTAL STATE RIGHT TO REQUEST INVESTIGATION WOULD BE BOTH ENVIRONMENTALLY AND TACTICALLY UNDESIRABLE. UK INDICATED THAT FLAG STATE PRE-EMPTION OF PORT STATE ENFORCEMENT WAS IMPORTANT CONCEPT BUT THAT IT WAS STUDYING EVENSEN COMPROMISE PERMITTING PORT STATE TO REFUSE TO TRANSFER PROCEEDINGS IF FLAG STATE HAD REFUSED TO ADEQUATELY PROCEED IN POST. US SUGGESTED THAT UK CONCERN ABOUT FRIVOLOUS INVESTIGATIONS AND PROCEEDINGS COULD BE MET BY INCLUDING PROVISIONS REQUIRING THAT REQUESTS FOR INVESTIGATIONS BE MADE GOVERNMENT TO GOVERNMENT AND ONLY UPON REASONABLE BELIEF THAT VIOLATIONS OCCURRED. UK SEEMED SOMEWHAT SOFTER ON FLAG STATE PRE-EMPTION THAN IN PAST MEETINGS. LOGAN STATED HE WAS IMPRESSED BY ACCEPTANCE IN LAST EVENSEN GROUP OF COASTAL STATE RIGHT TO ENFORCE INTERNATIONAL STANDARDS BEYOND THE TERRITORIAL SEA BUT INSISTED UPON VIOLATION DAMAGE CRITERIA AND LIMITED ENFORCEMENT AREA OF NOT MORE THAN 50 MILES. AMBASSADOR LEARSON, ACCOMPANIED BY AMBASSADOR LOGAN, PAID COURTESY CALL UPON UK MINISTER OF STATE DAVID ENNALS, AT WHICH ENNALS ASKED IF THERE WERE OUTSTANDING ISSUES BETWEEN UK AND US. LOGAN REPLIED, MENTIONING ONLY THE CONSTRUCTION STANDARD IN TERRITORIAL SEA ISSUE. LEARSON REITERATED US POSITION. ENNALS ALLUDED TO POSSIBILITY THAT UK WOULD MAKE DEMARCHE TO WASHINGTON TO OVERRULE THE US POSITION. AT SUBSEQUENT CONVERSATION, LOGAN EVALUATED US POSITION ON TERRITORIAL SEA STANDARD SETTING AS SIMILAR TO THAT OF UK POSITION ON FLAG STATE PRE-EMPTION, I.E., BOTH PROBABLE LOSERS IN THE CONFERENCE BUT THE RESPECTIVE GOVERNMENTS MUST DEFEND THEM DUE TO DOMESTIC POLITICAL REALITIES.

3. STRAITS.

BOTH SIDES AGREED THAT THE STRAITS ISSUE SHOULD NOT BE OPENLY DEBATED AND THAT THE SINGLE NEGOTIATING TEXT, AMENDED BY THE AGREED GROUP OF VIE AMENDMENTS, SHOULD BE CONFIDENTIAL

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PRESERVED. UK ASKED ABOUT, BUT DID NOT PRESS FOR, POSSIBLE FALLBACK POSITIONS, MENTIONING POSSIBLE DISTINCTIONS BETWEEN COMMERCIAL AND MILITARY TRAFFIC. US EMPHATICALLY STATED THAT NO EROSION OF THE STRAIT TRANSIT REGIME COULD BE ACCEPTED. THE UK INQUIRED IF THE US HAD RECEIVED THE CHILEAN AIDE MEMOIRE. THE US ADVISED THAT IT HAD RECEIVED IT AND BOTH SIDES AGREED TO CONSULT BEFORE REPLYING. THE UK ADVISED THAT IN INDONESIAN DELEGATION WOULD SOON VISIT THE USSR AND UK.

4. CONTINENTAL SHELF.

UK INDICATED IT WAS STILL ATTEMPTING TO DEVELOP A DEFINITION OF THE MARGIN THAT WOULD GIVE UK THE AREA WEST

OF ROCKALL ISLAND. US INDICATED THAT LAST UK DEFINITION WAS PRELIMINARILY ACCEPTABLE BUT NEEDS MORE SPECIFICITY AND SOME WORDING CHANGES. UK MADE FAMILIAR ARGUMENT IN FAVOR OF REVENUE-SHARING COMPUTATION BASED ON NET REVENUE AND PASSED PAPER SUPPORTING POINTS. US PASSED INFORMAL WORKING-LEVEL TREASURY REVENUE SHARING PAPER AND STRESSED THAT EXTRAPOLATING ON SITE VALUE SHOULD SOLVE SOME OF THE UK CONCERN ABOUT PROTECTING THE CAPITAL INVESTMENT. UK PRELIMINARY FOREIGN OFFICE REACTION WAS THAT US POSITION MAY NOT BE NEGOTIABLE BECAUSE THEY FEAR A ZERO PERCENT REVENUE SHARING AND A GRADUATED SCALE OVER 10 YEARS MAY BE UNACCEPTABLE TO DEVELOPING COUNTRIES. THEY ADDITIONALLY STATED THAT A 5 PERCENT REVENUE SHARING FIGURE WAS TOO LARGE FOR AN OIL FIELD DEVELOPED FOR NON-COMMERCIAL PURPOSES.

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OES-03 OMB-01 SAL-01 FEA-01 /120 W

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C O N F I D E N T I A L SECTION 2 OF 2 USNATO 1058

5. COMPULSORY DISPUTE SETTLEMENT

UK STATED THAT A SYSTEM WAS HIGHLY DESIRABLE BUT NOT WORTH SELLING ANYTHING TO OBTAIN. THEY HAD NO CONFIDENCE THAT THE PROPOSED TRIBUNAL WOULD NOT BE FAVORABLY CONSTITUTED AND FAVORED THE FORMULA WHICH PERMITS SELECTION OF ARBITRATION AT TIME OF RATIFICATION. THEY ALSO DO NOT FAVOR A MILITARY EXEMPTION. US VIEWED TRIBUNAL AS ESSENTIAL FOR DEVELOPING COUNTRY SUPPORT AND INDICATED IMPORTANT NEED FOR MILITARY EXEMPTION. BOTH SIDES AGREED TO DISAGREE ON ISSUE OF TRIBUNAL, BUT AGREED THAT CONCEPT OF COMPULSORY DISPUTE SETTLEMENT MUST BE MAINTAINED.

6. DEEP SEA BED

UK FELT THAT RECENT FIRST COMMITTEE NEW YORK CONSULTATIONS WERE MORE PRODUCTIVE THAN ANTICIPATED BUT THAT JOINT OBJECTIVE OF GUARANTEED ACCESS FOR DEVELOPMENT CANNOT BE OBTAINED UNLESS DEVELOPING COUNTRY RIGHT TO FUTURE ACCESS IS ASSURED AND LAND BASED PRODUCERS ARE PROTECTED. THERE WAS A LONG INCONCLUSIVE CONFIDENTIAL

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DISCUSSION CONCERNING THE CORRECT RATIO TO BE ESTABLISHED IN ANY BANKING SYSTEM. THE UK DISTRIBUTED A PAPER COMPARING THE RATE OF GROWTH OF NICKLE CONSUMPTION COMPARED TO THE NUMBER OF MINE SITES AND CONCLUDED THAT A 1 TO 2 BANKING RATIO MAY BE MORE APPROPRIATE. UK REQUESTED AND US AGREED TO EXPERT LEVEL DIALOGUE ON NUMBER OF AVAILABLE MINE SITES AND APPROPRIATE RESERVATION RATIO IF BANKING SYSTEM ADOPTED. LOGAN STATED THAT THE UK HAS DROPPED THE QUOTA SYSTEM BUT WANTS A CLAUSE PROTECTING AGAINST A MONOPOLY BY ANY ONE STATE. ON COMPOSITION OF COUNCIL, UK REPEATED CONCERN IT WOULD BE EXCLUDED AND SUGGESTED DEVELOPED COUNTRY SEATS GO TO QUOTE HIGHLY DEVELOPED COUNTRIES WHICH HAVE MADE THE GREATEST CONTRIBUTION TO SEA BED DEVELOPMENT. END OF QUOTE. US AGREED TO CONSIDER. ON DISPUTE SETTLEMENT, UK OPPOSED TRIBUNAL ARGUING THAT THEIR INDUSTRY FAVORED ARBITRATION. ARCHER MADE POINT OF LETTING US KNOW HE COULD COME TO WASHINGTON A DAY OR SO BEFORE MEETING FOR TECHNICAL TALKS ON DATA RELATING TO NUMBER OF MINE SITES, AND ASKED FOR IMMEDIATE RESPONSE FROM RATINER.

7. SCIENTIFIC RESEARCH.

UK OFFERED DEFINITIONS AS FOLLOWS:

(A) RESOURCE RESEARCH IS MARINE SCIENTIFIC RESEARCH DESIGNED TO PRODUCE RESULTS WHICH ARE AN ESSENTIAL REQUIREMENT FOR THE ASSESSMENT AND RATIONAL MANAGEMENT OF LIVING AND NON-LIVING MARINE RESOURCES.

(B) FUNDAMENTAL RESEARCH IS MARINE SCIENTIFIC RESEARCH DESIGNED TO INCREASE MANKIND'S KNOWLEDGE OF THE BASIC PROPERTIES AND PROCESSES OF THE MARINE ENVIRONMENT AND RELATED PHENOMENA.

AFTER US INDICATED IT PREFERRED NO DEFINITION, UK INDICATED IT PROBABLY COULD GO ALONG WITH NO DEFINITION. BOTH SIDES AGREED EVENSEN NOT A GOOD FORUM FOR SCIENTIFIC RESEARCH CONSULTATIONS BUT THAT NO ALTERNATIVE IS APPARENT. UK STATED IT HAD INFORMATION INDICATING THAT GROUP OF 77 IS PLANNING TO INTRODUCE A NEW TEXT AS A BASIS FOR NEGOTIATION. STREATOR

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Message Attributes

Automatic Decaptioning: X
Capture Date: 30 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 26 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976NATO01058
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: n/a
From: NATO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197602100/baaaawbv.tel
Line Count: 214
Locator: TEXT ON-LINE
Office: n/a
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 08 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 APR 2004 by CollinP0>; APPROVED <13 SEP 2004 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: PLOS
To: STATE
LONDON
USUN N Y
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006